

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Case No. 23-mj-59 JFD

UNITED STATES OF AMERICA

**SEALED BY ORDER OF THE  
COURT**

v.

LEWIS EDWARD BYRD III

AFFIDAVIT IN SUPPORT OF  
A CRIMINAL COMPLAINT

I, Special Agent Caleb Hoisington, being duly sworn, states the following:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and have been so employed since March 2020. In my capacity as an ATF Special Agent, I have participated in criminal investigations of individuals and entities related to violations of Federal Laws, particularly those laws found in United States Code, Titles 18 (firearms), 21 (narcotics), and 26 (firearms). During these investigations, I have utilized many investigative methods to de-briefing cooperating sources, conducting surveillance and serving search warrants. The facts and information contained in this affidavit are based upon my own investigation and observations and those of other agents and law enforcement officers involved in the investigation. All observations referenced below that were not made by me were related to me by the persons who made such observations. This affidavit contains information necessary to support probable cause for

the attached Complaint and Arrest Warrant. It is not intended to include each and every fact and matter observed by me or known to the Government.

2. The facts and information contained in this affidavit are based upon my personal knowledge and the investigation and observations of and information obtained from other law enforcement officers/agents involved in the investigation. This affidavit contains information necessary to support probable cause for the requested criminal complaint charging Defendant Lewis Edward Byrd III with one count of a violation under title 18 U.S.C. § Section 922(g)(1) (felon in possession of firearms and/or ammunition). It is not intended to include each and every fact and matter observed by me or known to those involved in the law enforcement response.

#### **PROBABLE CAUSE**

3. BYRD has multiple felony convictions, including but not limited to: a 2008 conviction for False Imprisonment, a 2008 conviction for Felon in Possession of Firearm, a 2011 conviction for First Degree Criminal Sexual Conduct, and a 2021 conviction for stalking. As a result of his criminal sexual conduct conviction, BYRD is required to register as a Predatory Offender and is subject to certain restrictions and requirements with regard to that status.

4. On December 29, 2022, BYRD was arrested in the area of Coon Rapids, MN for violations related to his status as a predatory offender. Officers initiated a traffic stop on BYRD's vehicle and took BYRD into custody without incident. A female passenger who was in the car during the traffic stop had an active warrant out, so she was taken into custody as well.

5. Officers called for a tow truck for BYRD's vehicle since both occupants were in custody. While searching the vehicle prior to it being towed, officers discovered a Smith and Wesson Shield Plus 9mm handgun (S/N: JKZ7864) in a pillowcase behind the driver's seat.

6. I know from my training and experience that Smith and Wesson firearms are manufactured outside the state of Minnesota and therefore this firearm traveled in and/or affected interstate commerce.

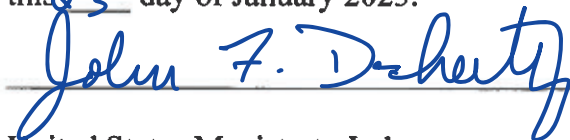
7. Further investigation revealed that BYRD purchased the firearm from an individual he found on a website called Armslist on or around December 11, 2022. Law enforcement officers contacted the individual who sold BYRD the firearm, and that individual confirmed he sold the gun to BYRD. The seller stated that he asked BYRD if he was a felon to which BYRD responded that he was not. The individual also took a picture of BYRD's ID for his records.

Further your Affiant sayeth not.



Special Agent Caleb Hoisington  
Bureau of Alcohol, Tobacco, Firearms, and  
Explosives

SUBSCRIBED and SWORN before me  
by reliable electronic means (FaceTime and  
email) pursuant to Fed. R. Crim. P. 41(d)(3)  
this 23 day of January 2023.



United States Magistrate Judge